HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1106 of 2005

Dated 14th September, 2007

Between
Ms. D.Radha Varalakshmi

…Petitioner

and

The District Collector, W.G.District, at Eluru

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1106 of 2005

ORDER:

This Writ Petition has been filed in the year 2005, seeking Writ of Mandamus to declare the action of the respondent-District Collector in deleting the name of the petitioner from the panel sent for appointment of Additional Public Prosecutor to the Court of IV Additional District & Sessions Judge (FTC),Eluru, as illegal and arbitrary.

The petitioner was appointed as Additional Public Prosecutor to the Court of IV Additional District & Sessions Judge (FTC),Eluru, initially, for one term commencing from 1-7-1995 to 30-6-1998. However, as no immediate arrangement was made, she also continued as In-charge Additional Public Prosecutor to the same Court from 1-7-1998 to 15-9-2001. For making regular appointments, when panel was requisitioned, name of the petitioner was not included on the ground that she had already completed six years, equivalent to two terms.

It is the case of the petitioner that in the Memo No.915/LSP/RL/L1/02, dated 01-7-2002, the Government had issued instructions for appointment of Law Officers under the AP Law Officers (Appointment and Conditions of Service) Instructions, 2000 and it is clear that there is a bar for holding second term on regular basis. It is her further case that as no arrangement was made after the expiry of her term, she was continued as such, and, therefore, her continuance beyond the term cannot be termed as on regular basis.

This Court at the stage of admission, by order dated 16-2-2005 granted interim directions for a period of two weeks. However, the said order was not continued there after.

In the counter affidavit filed on behalf of the respondent, it is stated that the petitioner is not eligible to be appointed as Additional Public Prosecutor as per the Memo dated 1-7-2002 issued by the Government, and, as such, her name was not included in the panel sent by the respondent. It is further stated that afterwards, fresh panel was sent and one Mr.C.A.P.S.Ramanujacharyulu had been appointed as Additional Public Prosecutor to the said Court. Though such appointment was made, no steps had been taken by the petitioner for impleading the said appointee as party-respondent in the Writ Petition. In view of the appointment made to the post of Additional Public Prosecutor by appointing Mr.C.A.P.S.Ramanujacharyulu as Additional Public Prosecutor to the said Court and in absence of questioning the said appointment order, and, further, such appointee is not made party-respondent to the Writ Petition by taking steps subsequent to the filing of the Writ Petition, no direction can be granted at this stage for inclusion of the name of the petitioner in the panel.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 14-9-2007
Msnr.